**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN**
**&**
**THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR**

**TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929**

**MFA.No. 208 of 2007()**
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**WCC.26/1997 of W.C.C.,KOLLAM**
**.....**

**APPELLANT: OPPOSITE PARTIES**
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**1. PRAKASH, SON OF VASU PILLAI,**
**M/S. ANUGRAHA INDUSTRIAL ENTERPRISES,**
**CHIRAKKARA P.O., KALLUVATHUKKAL, KOLLAM.**

**2. PRADEEP KUMAR, PARTNER,**
**M/S. ANUGRAHA INDUSTRIAL ENTERPRISES,**
**CHIRAKKARA P.O., KALLUVATHUKKAL, KOLLAM.**

**3. SARAMMA AMMA, PARTNER,**
**M/S. ANUGRAHA INDUSTRIAL ENTERPRISES,**
**CHIRAKKARA P.O., KALLUVATHUKKAL, KOLLAM.**

**4. PRASANNA, PARTNER,**
**M/S. ANUGRAHA INDUSTRIAL ENTERPRISES,**
**CHIRAKKARA P.O., KALLUVATHUKKAL, KOLLAM.**

**BY ADV. SRI.JOHNSON GOMEZ**

**RESPONDENTS: APPLICANT**
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**N.GOPINATHAN, SHIBU VILASOM,**
**THAZAM, CHATHANNOOR P.O., KOLLAM.**

**BY**

**THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 11/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**K.S.RADHAKRISHNAN & T.R.RAMACHANDRAN NAIR, JJ.**

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**M.F.A.No.208 OF 2007**

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Dated this the 12th day of December, 2007

**JUDGMENT**

Radhakrishnan, J.

There is a delay of 606 days in filing the appeal. We have perused the affidavit filed in support of the petition for condonation of delay. It is stated that petitioner is trying to settle the matter with the claimant. In fact a complaint was filed before the District Legal Services Authority as O.P.No.22 of 2007. But the same could not be settled. Hence there is delay in filing the appeal. The reasons stated in the affidavit to condone the delay cannot be accepted. Accident had occurred on 22/06/1996. The injured was at the age of 53 years and the Tribunal had correctly granted the compensation considering the age factor. Learned counsel for the appellant submits a sum of Rs. 35,000/- was paid and the same should have been given credit. Amount paid on humanitarian consideration cannot be adjusted towards statutory liability. In the facts and circumstances, we find no reason to condone the delay in filing the appeal. Therefore petition for condonation of delay is dismissed. Accordingly, Appeal is dismissed.

**K.S.RADHAKRISHNAN**
**JUDGE**

**T.R.RAMACHANDRAN NAIR**
**JUDGE**

sv.